cense will be inferred where the object is the mere pleasure or benefit of the visitor.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 367, 370.]

6. Trial (§ 105 (1)*)—Evidence; Effect of Failure to Object.—That no exception was taken to the admission of testimony merely affects its admissibility, and does not give it any greater weight than it would have had if exception had been taken.

7. Negligence (§ 32 (2)*)—Scope of Invitation.—Where the general contractor employed a subcontractor to do the plumbing in the building, an employé of the subcontractor, who had a safe and easy method of access to the roof through a dormer window, cannot recover for his injuries received when a scaffold built by the general contractor for its carpenters broke when he was attempting to use it to reach the roof; his use of the scaffold being that of a licensee and not an invitee.

Sims, J., dissenting.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 367, 370, 371.]

Error to Law and Chancery Court of City of Roanoke.

Action by one Basham against John P. Pettyjohn & Sons. There was a judgment for plaintiff, and defendants bring error. Reversed.

Staples & Cocke, of Roanoke, and *Wilson & Manson,* of Lynchburg, for plaintiffs in error.

Jackson & Henson, of Roanoke, for defendant in error.

PICKARD *v.* COMMONWEALTH.

Sept. 17, 1919

[100 S. E. 821.]

1. Physicians and Surgeons (§ 6 (1)*)—Practicing without Certificate.—One who announced that he was ready to examine human beings physically, to diagnose their ailments, and furnish, for compensation, a remedy which would relieve the same, and did engage in the business of examining persons, diagnosing their ailments and furnishing medicine which he claimed would relieve them, violated the statute prohibiting the practice of medicine without obtaining a certificate, although such person claimed that he did not charge for the diagnosing, but only for the medicine, and that the diagnosing was for the purpose of advertising his medicine.

[Ed. Note.—For other cases, see 11 Va. W.-Va. Enc. Dig. 203.]

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*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

2. Criminal Law (§ 1172 (1)*)—Harmless Error in Instructions.—Where the appellate court can see from the entire record that no other verdict could rightly have been found under correct instructions, or that the accused could not have been prejudiced by erroneous rulings of the trial court, it will not reverse the judgment and set aside the verdict.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 601.]

Error to Corporation Court of Roanoke.

One Pickard was convicted for practicing medicine without having obtained a certificate from the State Board of Medical Examiners, and he brings error. Affirmed.

Willis, Adams & Penn and *A. B. Coleman,* all of Roanoke, for plaintiff in error.

Jno. R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen., and *F. B. Richardson,* of Richmond, for the Commonwealth.

JOHNSON *v.* JOHNSON.

Sept. 17, 1919.

[100 S. E. 822.]

1. Divorce (§ 133 (1)*)—Evidence of Desertion.—In a husband's suit for divorce, evidence held to prove the charge of desertion against the wife.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 738.]

2. Divorce (§ 129 (16)*)—Evidence of Adultery.—In a husband's suit for divorce, evidence held insufficient to prove the charge of adultery against the wife.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 736.]

Appeal from Circuit Court, Russell County.

Suit for divorce by Aaron S. Johnson against his wife. From an adverse decree, the wife appeals; both parties assigning error. Affirmed.

W. W. Bird and *A. G. Lively,* both of Lebanon, *G. B. Johnson,* of Honaker and *C. C. Burns,* of Lebanon, for appellant.

Finney & Watson, of Lebanon, for appellee.

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*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.